D. REMARKS

The Examiner restricts the application to one of three claim groupings. Applicants traverse the requirement by the Examiner to elect one grouping with respect to claims 29-54, however would elect group I for examination in compliance with 37 CFR 1.143.

Alleged Grounds of Restriction

In paragraph 2, the Examiner states that restriction to one invention is required under 35 USC 121 and classifies the groups as group I, claims 1-28, drawn to "computer conferencing" classified in class 709, subclass 204; group II, claims 29-48, drawn to "computer network managing" classified in class 709, subclass 223; and group III, claims 49-54, drawn to "operator interface-computer conferencing" classified in class 715, subclass 753. [Office Action, p. 2]

In paragraph 3, the Examiner states: "Inventions I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case: Invention I has separate utility such as participating in a recorded video and/or audio conference with multiple users. Invention II has separate utility such as controlling how much information is recorded and outputting during a messaging session. Invention III has separate utility such as utilizing a graphical user interface to display and select the session options on a computer monitor." [Office Action, p. 2] The Examiner notes that "because these invention are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classifications, restriction for examination purposes as indicated is proper." [Office Action, p. 3]

Groups I, II, and III are not distinct subcombinations

Applicants respectfully disagree with the Examiner's conclusion that groups I, II, and III are distinct subcombinations. The Examiner states that the rule is that "subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable." The Examiner notes potential ways in which

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each subcombination is separately usable, however, there are no arguments presented as to how the subcombinations do not overlap in scope and are not obvious variants. In addition, Applicants respectfully assert that the subcombinations do overlap in scope and are obvious variants.

When independent claims 1, 29, and 49, of groups I, II, and III, respectively, are compared, it is clear that the claims overlap in scope and are obvious variants because each of the claims describes a method, system, or program for managing a messaging session and, in addition, for notifying a user of the particular message entries in the message session that are being recorded. For example, independent claims 1, 11, and 20, of group I teach, from the perspective of managing a messaging session, the messaging server receiving a request to record message entries of a message session, recording a requested selection of message entries of a messaging session, and notifying users participating in the messaging session of the recording of the requested selection of message entries. Independent claims 29, 37, and 43 of group II, teach, from the perspective of the client system enabling a user to participate in the messaging session, controlling output of the entries received as part of the messaging session, receiving a recording indicator that the messaging session is being recorded, and adjusting the output of the entries to distinguish the selection of message entries within the messaging session that are being recorded. Further, independent claim 49 of group III teaches, from the perspective of a user interface to a messaging session, providing a selectable item for a user to select the recording of a selection of the message entries and changing the textual display to notify the user of the recorded selection of message entries within the messaging session.

Therefore, whether through a messaging server notifying all the users participating in the messaging session of the recording of the requested selection of message entries or the client system or user interface controller adjusting the output of those message entries being recorded, the claims overlap in scope of notifying users in a messaging session of the particular message entries in the message session that are being recorded.

Therefore, Applicants respectfully assert that regardless of whether the Examiner's statements that the subcombinations are separately usable is true, the subcombinations are still

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not distinct because the claim groups overlap in the scope of each teaching a method, system, and program for managing a messaging session, and in particular in notifying a user of the message entries of a messaging session being recorded.

Groups I and III are improperly restricted to "conferencing"

Applicants respectfully disagree with the Examiner's limitation of groups I and III to "computer conferencing" and "operator interface-computer conferencing." Applicants respectfully assert that the term "messaging session" is not limited to "video and/or audio conferencing with multiple users" as limited in the rejection, but includes all types of communications between systems and therefore, limitation to "conferencing" is improper. In the specification of the present application, a "messaging session" is described as encompassing "any combination of voice, graphical, video, and/or text messages, instant and/or delayed, transmitted between multiple users via a network. Messaging sessions may include use of chat rooms, instant messages, e-mail, IRC, conference calling and other network methods of providing a channel for users to communicate within. Further, messaging sessions may include communications such as voice, video, and text transmissions between multiple telephony devices.

Applicants note, however, that for purposes of clarifying the scope of the invention, claims 1, 11, and 20 are amended to clarify that the "messaging session" is facilitated by a server via an instant messaging channel, where separate from distributing message entries of a messaging session to multiple client systems participating in the messaging session, the server records selections of the message entries into a log. The specification supports the amendments throughout, and for example, in Figures 2, 3, 8, elements 92, 106, and 108 and paragraphs 0037, 0050, 0054, 0056, 0057, and 0088. In addition, Applicants amend dependent claims 3-10, 12-19, and 21-28 to maintain proper antecedent basis in view of the amendments to independent claims 1, 11, and 20 and Applicants cancel claim 2.

In addition, Applicants note, that for purposes of clarifying the scope of the invention and maintaining overlapping scope, claims 29, 37, and 43 are amended to clarify that a user

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participates in a messaging session via a client system that receives the message entries and separately distinguishes those entries that the messaging server indicates to the client system that the messaging server is separately recording into a log. The specification supports the amendments throughout, and for example, in Figures 2, 3, 9, elements 132 and 144 and paragraphs 0050, 0054, 0056, 0068, and 0093. In addition, Applicants amend dependent claims 31-33, 38, 39, 44, and 45 to maintain proper antecedent basis in view of the amendments to independent claims 29, 37, and 43 and Applicants cancel claim 30.
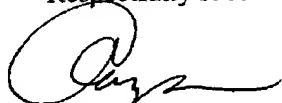
Further, Applicants note, that for purposes of clarifying the scope of the invention, claim 49 is amended to clarify that the recorded messaging sessions are facilitated by a messaging server through an instant messaging channel between the client systems and that a particular client system, the user interface includes a selectable item for initiating recording by the messaging server of a log of a selection of message entries within a particular messaging session. The specification supports the amendments throughout, and for example, in Figure 5, Figure 9, elements 132 and 134 and paragraphs 0066, 0068, 0092 and 00932. In addition, Applicants amend dependent claims 50-54 to maintain proper antecedent basis in view of the amendments to independent claim 49.

Applicants respectfully request entry of the amendments, clarifying the scope of "messaging session", and withdrawal of the restriction requirement improperly limiting "messaging session" to "computer conferencing".

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Conclusion

In view of the foregoing, Applicant respectfully requests that a corrected election requirement be issued. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

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